

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

JOSHUA JAY BLAINE, Plaintiff, vs. UNITED STATES OF AMERICA, Defendant.	4:17-CV-04138-KES ORDER GRANTING IN PART AND DENYING IN PART MOTION FOR DISCOVERY Docket No. 12
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This matter is pending before the court on the *pro se* motion to vacate, correct, or set aside his sentence filed pursuant to 28 U.S.C. § 2255 by movant Joshua Jay Blaine. See Docket No. 1. Mr. Blaine now moves the court for copies of case file material, either from the court directly or from Mr. Blaine’s trial counsel’s file. See Docket No. 12.

Mr. Blaine does not specify what “case file material” he desires. The court notes that Mr. Blaine pleaded guilty in his underlying criminal case, was sentenced, and pursued a direct appeal. See United States v. Blaine, 4:15-cr-40069-KES-1, Docket Nos. 19, 23, 39-40, & 42 (D.S.D). As grounds for collaterally attacking his sentence and conviction, he alleges claims of

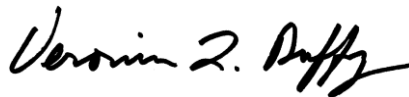
ineffective assistance of counsel by trial counsel and various Fourth Amendment violations. See Docket No. 1. The court will order that copies of the transcripts of Mr. Blaine's change of plea and sentencing hearings be provided to him along with a copy of his petition to plead guilty. See Docket Nos. 19, 46 & 47. Other than those documents, Mr. Blaine has not shown any other "file documents" are relevant. Furthermore, Mr. Blaine has not shown an entitlement to conduct discovery in this § 2255 motion. Therefore, no good cause appearing, the court denies Mr. Blaine's request for documents beyond these.

Based on the foregoing, it is hereby

ORDERED that Mr. Blaine's motion for case file materials [Docket No. 12] is granted in part and denied in part as follows. The Clerk of Courts office is directed to print out the documents at Docket Nos. 19, 46 & 47 of Mr. Blaine's underlying criminal case, 4:15-cr-40069-KES-1, and send those copies to Mr. Blaine. Mr. Blaine's motion is otherwise denied.

DATED this 30th day of October, 2017.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Veronica L. Duffy", is written over a horizontal line.

VERONICA L. DUFFY

United States Magistrate Judge